IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 1075 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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JUNNALAL SHITLAPRASAD YADAV

Versus

STATE OF GUJARAT

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Appearance:

1. Criminal Appeal No. 1075 of 1996

MR MH BAREJIA for Petitioner No. 1

MR RK MISHRA for Petitioner No. 1

MR YF MEHTA for Petitioner No. 1

PUBLIC PROSECUTOR for Respondent No. 1

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CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 12/07/2001

ORAL JUDGEMENT

#. The appellant-accused has filed this appeal against the judgment and order of conviction and sentence passed by learned Additional Sessions Judge, Court No.10, Ahmedabad whereby the appellant is convicted under Section 304 Part II IPC and Section 323 IPC and sentenced to suffer R.I. for 5 years and to pay a fine of Rs.1,000/= in default to further undergo R.I. for three months and further sentenced to suffer R.I. for 6 months and to pay fine of Rs.200/= in default to further undergo R.I. for 15 days respectively. Both the sentences were ordered to run concurrently.

#. From the record of this case, it appears that earlier he filed this appeal through learned advocate Shri Barejiya. Thereafter, he engaged Shri R.K.Mishra in place of Shri Barejiya and lastly he engaged learned counsel Shri Yogesh Mehta.

#. Today learned counsel Shri Yogesh Mehta for appellant-accused stated at the Bar that even from him he took away the file since long and, thereafter he did not turned up, therefore, he pleads no instructions in the matter.

#. It appears that most probably the appellant has already undergone the sentence as ordered by the learned trial court by now. Therefore, he may not be interested any more to go ahead with his appeal and invite order on it. In view of the above, the appeal was required to be dismissed. However, having carefully gone through the judgment and order of conviction and sentence recorded by the learned trial judge, I am of the opinion that while convicting the appellant-accused he has not committed any error which calls for the interference in this appeal.

In view of the above, this appeal fails and the same is dismissed for the reasons stated hereinabove.

(B.J.Shethna, J.)

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